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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/361,963	07/28/1999	YASUE SATO	35.C10695DIV	6193

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EXAMINER

GUHARAY, KARABI

ART UNIT PAPER NUMBER

2879

DATE MAILED: 01/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/361,963

Applicant(s)

SATO ET AL.

Examiner

Karabi Guharay

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on November 11, 2001(CPA).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 9-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

***Continued Prosecution Application***

The request filed on 11/28/01 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/361963 is acceptable and a CPA has been established. An action on the CPA follows.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 9-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwasaki et al. (US 6160347).

Regarding claim 9, Iwasaki et al. disclose an image forming apparatus (see Fig 9A) comprising a first plate (electron source substrate 21) including electron-emitting devices; a second plate (face plate 36) disposed to face the first plate; a plurality of

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spacers disposed between the first plate and the second plate (not shown in the figure, see lines 39-41 of column 15); an outer frame (support frame 32) hermetically surrounding a space between the first plate and the second plate (Fig 9A, lines 13-19 of column 15); a getter (28 of Fig 9B) being disposed between the first and second plate and within the space and being proximate to a side of the outer frame (see Fig 9B, lines 42-44 of column 16). Though Iwasaki et al. does not disclose that the plurality of spacers being disposed substantially in parallel with each other and extends in longitudinal direction, it is intrinsic, since spacers are always arranged in parallel with each other and extends longitudinally, see Sanou et al (US 6278233).

Regarding claim 10, Iwasaki et al. disclose that the getter (28) is disposed outside a region in which the electron emitting devices are formed (outside the electron emitting device containing substrate 21, see Fig 9B).

Regarding claim 11, Iwasaki et al. disclose that one part of the getter is positioned within a region surrounded by the imaginary extensions of two of the spacers in the longitudinal direction the two spacers being in outermost sides (see Fig 9B, getters being arranged along periphery of the envelope 37).

Regarding claim 12, Iwasaki et al. disclose that the getter is a ring shaped getter (see Fig 9B).

Regarding claim 13, Iwasaki et al. disclose that the region in which the electron-emitting devices are formed is an approximate rectangle (see Fig 9A, and Fig 13) and spacers are disclosed from one side to the other (not shown, but it is intrinsic).

Regarding claim 14, Iwasaki does not exemplify that the electron emitting devices are field emission type electron emitting device. However, Iwasaki teaches, and also well known in the art, that there are three types of cold cathode type electron emission devices, (1) field emission type, (2) MIM type (3) surface conduction type (see lines 20-24 of column 1).

It is noted that applicant's specific type of electron emitting device (in this case field emission type) does not solve any of the stated problems or yield any unexpected result that is not within the scope of the teachings applied. Therefore it is considered to be a matter of choice, which a person of ordinary skill in the art would have found obvious to select one of the above three types of electron emitting devices. (Also see # 6153973).

Regarding claim 15, Iwasaki et al. disclose that the electron emitting devices are surface conduction electron-emitting devices (Figs 1A-1C, lines 17-18 of column 5).

***Other Prior Art Cited***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure :

References showing the arrangement of plurality of spacers in an image-forming apparatus: Sanou et al. (US 6278233); Mitsutake et al. (US 5760538); Shibata et al. (US 6153973).

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karabi Guharay whose telephone number is (703) 305-1971. The examiner can normally be reached on Monday-Friday 8:30 am - 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar D. Patel can be reached on (703) 305-4794. The fax phone number for the organization is (703) 308-7382.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

K.G  
Karabi Guharay  
Patent Examiner  
Art Unit 2879

  
VIP PATEL  
PRIMARY EXAMINER